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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) WARNING SYSTEM FOR PEOPLE IN
JÜRGEN BOSS) HAZARDOUS CONDITIONS
Serial No. 10/550,467 ✓) Examiner: Jack K. Wang
Filed: July 17, 2006) Group Art Unit 2612

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Response to the Office Action dated October 29, 2008.

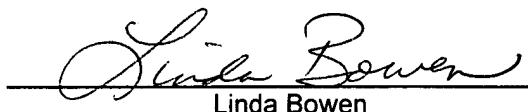
Claims 2-5 and 7-11 are currently pending in the application. All claims stand rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,894,610, to Schubert et al. (Schubert), in view of U.S. Patent No. 6,452,572, to Fan et al. (Fan). Reconsideration of the rejection of claims 2-5 and 7-11 is requested.

Applicant's undersigned attorney wishes to thank Examiner Wang for the courtesies extended him at the interview conducted on October 14, 2008.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 29, 2009.


Linda Bowen

During that interview, it was pointed out to the Examiner that Schubert, which is commonly assigned with this application, discloses structure wherein communication is effected via a bus, as within the clothing of a user. Schubert does not teach a radio connection between a control unit and other devices, such as a measuring device or compressed air breathing apparatus, as required in each of the pending claims. This was acknowledged by the Examiner.

During the interview, the Examiner indicated that, in his opinion, it would be obvious to substitute for the components that communicate through a wired connection in Schubert, components that communicate via a wireless connection. In support of this position, the Examiner is now relying on Fan, which is newly cited in the outstanding Action.

During the interview, the undersigned acknowledged that wireless technology has existed, whereby it would have been technologically possible to substitute components that communicate wirelessly for those that communicate via a bus in Schubert, at the time the present invention was made. However, in spite of the existence of this technology, the industry contended with problems associated with the use of wired components, because it was not obvious to make the invention as now claimed. In support of this contention, Applicant is submitting herewith the Declaration of Dipl. -Ing. Klaus-Dieter Dahrendorf Under 37 CFR 1.132.

Before the Declaration is analyzed, it should be noted that the claimed structure is specifically characterized as a warning system for people working in hazardous conditions, as those fighting fires in enclosed spaces. Thus, the reliability of

the warning system is critical to the point that a failure could cause serious and potentially permanent injury, and in a worse case, death, of the individual employing the same.

As the Declarant notes on page 4 (Ins. 10-25), breathing protection apparatus were conventionally connected, as in Schubert, through cables through clothing, "making quick actions of the fireman difficult". It is additionally noted that the cables, arranged on the outside of the heat resistant material worn by the fireman, had to be equally heat resistant.

Inherently, cables near the exterior of protected clothing are also prone to being snagged on objects within the firefighting environment, and potentially compromised.

Still further, as the Declarant points out in lines 20-27 on page 5 of the Declaration, the wired technology was burdensome in that it was difficult to provide the strategic links and connection between the components in a practical manner.

As the Declarant further points out, these problems were well known by the Declarant and others in the industry but were contended with because no solution thereto was obvious, in spite of the fact that the technology long existed to integrate wireless communication components in clothing in this environment (see page 3, Ins. 24-36; pg. 4, Ins. 1-8; and pg. 5, line 29 – page 6, line 2).

By reason of incorporating components that communicate wirelessly, as claimed, the above problems are overcome. (See Declaration, page 6, In. 4 through page 7, line 6.)

Applicant respectfully submits that the Declarant is one of extraordinary skill in this industry and has an extensive background in this area that has exposed him to old and current technology. The Declarant is also aware firsthand of limitations with systems such as Schubert's that are attributable to hard-wired connections that are not required with the claimed warning system.

The fact that the industry contended with problems that: a) adversely affected response time for firemen by requiring longer preparation times (see Declaration, page 4, lns. 20-25); and b) forced firemen to risk in field failures of critical monitoring equipment, attests to the unobviousness of the claimed invention. Notwithstanding the limitations of prior art structures such as those in Schubert, the industry carried on without a viable solution until the present invention was made.

It is respectfully submitted that the subject matter of independent claims 7 and 11 is not obvious from the applied art. The remaining claims; 2-5 and 8-10, each depends from claim 7 and recites further significant limitations to further distinguish over the applied art.

Reconsideration of the rejection of claims 2-5 and 7-11 and allowance of
the case are requested.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By



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